REMARKS

Claims 1-8 and 17-19 are pending in this application, of which claims 1-8 have been amended and claims 17-19 have been added.

(1) The abstract was objected to because it is not a single paragraph.

In this response, the abstract has been corrected. Withdrawal of the objection is respectfully requested.

(2) Claims 1-4, 6-12 and 14-16 were rejected under 35 U.S.C. §102(b) as being anticipated by Shoichi Hirano et al. (JP 2000-017572).

Claims 1-8 have been amended. The support of claim 1 is found in page 3, lines 11-16; and page 20, lines 26-32.

(i) The Supreme Court reiterated the framework for objective analysis for determining obviousness stated in *Graham v. John Deere Co.,* 383 U.S. 1 (1966). *KSR International Co., v. Teleflex Inc.,* 127 S.Ct. 1727 (2007). The basic factual inquiry in *Graham* is: to determine the scope and content of the prior art; to ascertain difference between the prior art and the claims at issue; and resolving the level of ordinary skill in the pertinent art. *Graham*

at 17. Secondary consideration such as commercial success, long felt but unsolved needs, failure of others, etc, can be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented. *Graham* at 17-18.

(ii) The Applicants herewith file a Declaration under 37 CFR§1.132. Mr. Hirano is an inventor of the present invention and JP 2000-017572. ¶¶1,2. Mr. Hirano states that JP2000-017572 discloses providing an anti-yellowing function with a cellulose based textile product, and that JP2000-017572 discloses a method to avoid the textile products from yellowing. ¶3. The yellowing occurs when the dirt adhered to the textile products is oxidized as described at paragraph [0003] of the reference. *Id.* On the other hand, the present application, U.S. Serial No. 10/564,091, describes weakening the binding force of the components of stains and dirt to the fibers without using a surfactant. ¶4.

As Mr. Hirano states, when he invented the treatment method disclosed in JP2000-017572, he did not consider that thereby treated textile products would weaken the binding force of the components of stains and dirt to the fibers without using a surfactant. ¶5. Mr. Hirano states that when filing a patent application of JP2000-017572, he thought that it would be necessary to develop a different treatment method in order to weaken the binding force of the components of stains and dirt to the fibers without using a surfactant. ¶6. JP2000-017572 does not teach or suggest a property that the disclosed textile products have weakened binding force of

the components of stains and dirt to the fibers without using a surfactant. ¶6. The property layer discovered in the present invention made it possible to wash the textile products without using a detergent. ¶7. Mr. Hirano states that the result of the present invention is unexpected from the teaching in JP2000-017572. ¶7.

(iii) A person having ordinary skill in the art, like Mr. Hirano, would not consider that that the textile products disclosed in JP2000-017572 would weaken the binding force of the components of stains and dirt to the fibers without using a surfactant. ¶5. Without finding that the textile products treated by JP2000-017572 weaken the binding force of the components of stains and dirt to the fibers without using a surfactant, one would not wash the textile products without using a detergent. Thus, the finding of weakening the binding force without using a surfactant yields more than predictable results. The consumption of water can be significantly reduced by the present invention. ¶9. The effect of the present invention is unexpected. ¶9. Thus, the unpredictable results of the present invention make the invention unobvious. *See, KSR* 127 S.Ct. 1727, 1739 ("The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.").

(iv) Moreover, "Mere improvement in properties does not always suffice to show unexpected results. In our view, however, when an applicant demonstrates *substantially* improved results, as Sony did here, and *states* that the results were *unexpected,* this should

suffice to establish unexpected results *in the absence of* evidence to the contrary." *In re Sony*, 34 U.S.P.Q.2d 1684, 1688 (C.A.F.C. 1995). Emphasis is original.

Mr. Hirano states that the result of the present invention is unexpected from the teaching in JP2000-017572. ¶7. Mr. Hirano, thus, demonstrated *substantially* improved results compared with the teaching by JP2000-017572. *See, In re Sony, at* 1688. Also, Mr. Hirano states that a textile product which can wash out oily components without using a detergent is long felt but unsolved needs. ¶8.

Furthermore, as clearly understood from Table 1 of the specification, the remaining ratio of oleic acid in Examples 1-7 was *less than 40% without using a detergent*, whereas the remaining ratio of oleic acid in the Reference Example was *41% even when using a detergent*. Reference Example did not apply the treatment of the present invention. The comparison of Examples 1-7 with Reference Example showed that oily components can be washed out in the claimed textile product without using a detergent.

These achievements in the present invention should be considered as secondary consideration of the *Graham* factual inquiries to give patentability to the claimed invention.

(3) Claims 5 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shoichi Hirano et al. (JP 2000-017572).

The same arguments explained in Section (2) apply to this rejection.

(4) Claims 17-19 have been added. The support of claim 17 is found in original claims 1 and 3-5. The support of claim 18 is found in original claim 7. The support of claim 19 is found in original claim 8.

The same arguments explained in Section (2) apply to this rejection.

(5) In view of the aforementioned amendments and accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date. If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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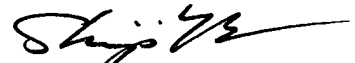

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Declaration under 37 CFR§1.132
Petition for Extension of Time